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6   UNITED STATES DISTRICT COURT
                            WESTERN DISTRICT OF WASHINGTON
7   AT SEATTLE

8   _____
)
9   RICHARD ROY SCOTT,   )   No. MC05-5029
)
10   Plaintiff,   )
                    v.   )   ORDER PERMITTING CASE TO PROCEED
11   )
     MARY BROWN; and "6 TO BE   )
12   NAMED DEFENDANTS,"   )
)
13   Defendants.   )
     _____)

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15   This matter comes before the Court *sua sponte*. On April 5, 2005, the United States

16   District Court judges who sit in Tacoma entered an order dismissing a number of plaintiff's

17   causes of action and barring future litigation unless plaintiff provides a signed affidavit, along

18   with the proposed complaint, "verifying under penalty of perjury that none of the issues raised in

19   the proposed complaint have been litigated in the past by the plaintiff." On September 11, 2006,

20   the Clerk of Court received a motion to proceed *in forma pauperis*, a consent for payment of

21   costs, a complaint, and a declaration signed by plaintiff. See Dkt. #92. These are now before

22   the undersigned for review pursuant to the terms of the bar order.

23   Although no relief is requested in the proposed complaint, plaintiff asserts a § 1983 claim

24   against defendant Mary Brown, a staff member at the Department of Social and Health Services

25   ("DSHS") Special Commitment Center where plaintiff resides, and "6 to be named defendants."

26   See Dkt. #92 at 1, 2. Plaintiff claims Ms. Brown restricted plaintiff's telephone usage thereby

     ORDER

1 denying him effective, meaningful, and timely court access. Id. at 2-3, 6.

2   Pursuant to the terms of the "Order Adopting Report and Recommendation," dated April

3 5, 2005, plaintiff has submitted a signed declaration verifying that none of the issues raised in

4 the proposed complaint have been litigated in the past by the plaintiff. See Dkt. #92

5 (Declaration of Scott).

6   The undersigned finds that the issues raised in the above-captioned matter have not been

7 previously litigated by plaintiff and may proceed subject to the other requirements imposed by

8 the "Order Adopting Report and Recommendation," dated April 5, 2005. The Clerk of Court

9 shall docket this order in MC05-5029 and open a new cause of action containing all documents

10 related to plaintiff's September 11, 2006, submission (Dkt. #92).

11   DATED this 23rd day of October, 2006.

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14   _MM S Lasnik_
                              Robert S. Lasnik
15   United States District Judge

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ORDER   -2-